

PTO/SB/31 (04-05)

Approved for use through 07/31/2006. OMB 0651-0031

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| <b>NOTICE OF APPEAL FROM THE EXAMINER TO<br/>THE BOARD OF PATENT APPEALS AND INTERFERENCES</b>     |  | <b>Docket Number (Optional)</b><br>564462000520 |  |
| In re Application of<br>Jay M. SHORT et al.  |  |   |  |
| Application Number<br>09/888,224   |  | Filed<br>June 22, 2001                          |  |
| For ENDOGLUCANASES, NUCLEIC ACIDS ENCODING THEM AND<br>METHODS FOR MAKING AND USING THEM (AMENDED) |  |   |  |
| Art Unit<br>1634   |  | Examiner<br>J. Sitton                           |  |

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) \$ 500.00

☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ 250.00

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 03-1952. I have enclosed a duplicate copy of this sheet. Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.

☒ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

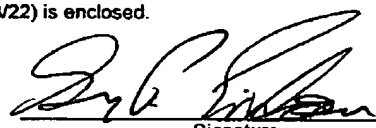
I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

☒ attorney or agent of record.  
Registration number 38,440

☐ attorney or agent acting under 37 CFR 1.34.  
Registration number if acting under 37 CFR 1.34. \_\_\_\_\_

  
 Signature  
 Gregory P. Einhorn  
 Typed or printed name  
 (858) 720-5133  
 Telephone number  
 October 17, 2005  
 Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ \*Total of 1 forms are submitted.

I hereby certify that this correspondence is being facsimile transmitted to MS AE, the Patent and Trademark Office, facsimile no. (571) 273-8300, on the date shown below.

Dated: October 17, 2005

Signature:  (Norman Green)

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